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GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 192

Part B. for May 1909

SUBJECT.

Rule of Practice in the matter of writing judgment in the Criminal Courts

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GENERAL AND REVENUE SECRETARIAT

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NOTES.

Cts. File No. 294-08

FILE HEADING.

Rule of Practice in the matter of writing judgments in Criminal Courts.

From

The Registrar of the Chief Court of Mysore.

No. 5529/282 Dated 15.3.1909 Received 16.3.09.

Diary No. 2336 | Encls. nil Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests that sanction may be accorded to the issue of a new Rule of Practice, regulating the practice of Criminal Courts in writing judgments in Criminal Cases.

NOTES AND ORDERS.

1) Submitted for orders.

HCS
17.3.09.

2) Please peruse the annotated Copy of Criminal Procedure Code

19/3/09

HCS
18/3/09

I Copy of Amendments Cr. Pro. Code is herewith

HCS for needful
19/3

Notes—First sheet HCS 23/3 [illegible]
24/3

GPB—30,000—3-4-07

Serial No.

3) There appears to be no objection to the issue of the proposed rule of practice.

10/5 S.H.

372) 2nd Councillor).

4) May be sanctioned

11/5/9

Issue

12/5

5) Please put up a draft

Subd. with a draft.

K.V. 12/5 S.N. 12/5

B.R. 12/5

6 Issue

12/5. S.H.

2. To the Registrar Chief Court.

No. 3617 S. 15-5-09.

Approved of the above rule of practice

GPB—50,000—13-5-08

92336

Bangalore 15th March 1909.

From,

V.A.Rajaratna Mudaliar,Esq.,

Registrar,Chief Court of Mysore.

To,

C.S.Balasundaram Aiyar,Esq.,

Offg: Secretary to Government,

Genl: & Rev: Departments.

Sir,

I am directed to request the sanction of Government to the enclosed draft Rule of Practice.

The instructions contained in the Rule of Practice and Circular Letters and Proceedings of this Court proposed to be cancelled are opposed altogether to the Criminal Procedure Code which requires that Judgments shall be written entirely by the Magistrates. At present every judgment consists of two distinct parts the one written by a clerk and the other by the Magistrate. As some of the Judges consider that it would render judgments cleare especially in cases dealt with by the more inexperienced Magistrates, the directions contained in para 1 of the draft Rule of Practice have been inserted.

I have the honor to be,

Sir,

Your most obedient servant

REGISTRAR.

A.S.

Draft

IN THE CHIEF COURT OF MYSORE.

CRIMINAL SIDE.

RULE OF PRACTICE, NO. DATED MARCH 1909.

2

Under Section 554 of the Code of Criminal Proce - dure and with the concurrence of Government, the Chief Court issues the following rules for regulating the practice of the Criminal - Courts in the matter of writing judgments:-

I. The names of witnesses examined, the description of exhibits and articles produced and the statements of the accused persons - shall be entered by a clerk on a separate form which shall be - - appended to but which shall form no part of the judgment.

II. The judgment shall, as required by Section 367 of the Code - of Criminal Procedure be entirely in the handwriting of the Judge or Magistrate.

III. This cancels Rule of Practice No.33 dated 22nd August 1884 and the marginally noted Circular Letters and Proceedings of this Court.

1. Cir.letter no.28 dated 10th Novem- -ber 1881.
2. Cir.letter no.71 dated 15th Octr. - 1887.
3. Cir.letter no.53 dated 16th Feby. - 1885.
4. Cir.letter no.81 dated 28th Jany.- 1889.
5. Cir.letter no.119 dated 25th Novr.- 1894.
6. Cir.letter no.143 dated 15th Novr.- 1899.
7. Chief Ct.Pro. 4122/3163 dated 5-2-1885.
8. do. do. . . .dated 24-3-1893.

(Vide I. 38 to 42 of the Criminal Digest) 2C Y

REGISTRAR.

A.S.

ab

3

G.R.S. 28]

File No. 294
Serial No. 2

Diary No. of letter replied to 2336

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, the 190

Date of issue 15-5-09

Signed by [illegible]

READ—

--Letter no. 5529/284 dt. the 15th March 1909 from the Registrar of the Chief Court of Mysore, requesting, for reasons stated, sanction to the issue of a new rule of practice regulating the

ORDER THEREON.—No.

practice of the Criminal Courts in the matter of writing judgments.

Order thereon:

The draft rule of practice enclosed with the letter read above is approved.

No J 3517
C 5294-08-2
8/5/5/09

for Secretary

over

SUBJECT

To

The Registrar, Chief Court of Mysore

14/5

K.N. 14/5